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SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS

SUMMARY RECORD OF THE 4th MEETING

Held at Headquarters, New York,
on Thursday, 24 August 1978, at 10.30 a.m.

Chairman: Mr. Cuevas CANCINO (Mexico)

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Consideration, pursuant to paragraph 2 of General Assembly resolution 32/150, of proposals and suggestions submitted by States (continued)

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The meeting was called to order at 11 a.m.

CONSIDERATION, PURSUANT TO PARAGRAPH 2 OF GENERAL ASSEMBLY RESOLUTION 32/150, OF PROPOSALS AND SUGGESTIONS SUBMITTED BY STATES (continued) (A/AC.193/L.3)

1. Mr. de la PEDRAJA (Mexico) said that, together with fellow Latin American nations, Mexico was actively involved in the search for mechanisms to protect the peoples of the world from the unfortunate results of the use of force as an instrument of national policy. The question of a world Treaty on the non-use of force in international relations should be considered with great care by Member States lest a new legal structure should come into being which represented no improvement over the existing system embodied in the United Nations Charter.

2. While believing that the Charter afforded the best defence against actions by States detrimental to the rights of other States, Mexico recognized that the world situation in 1978 was different from the situation in 1945 reflected in the Charter. However, recent instances of open aggression, massive use of military force and direct attacks against the rights of peoples had been due primarily to a lack of respect for universal norms condemning the use of force and to the lack of a political will to uphold the purposes and principles set out in Chapter I of the Charter.

3. There were some omissions in the draft world Treaty on the non-use of force in international relations submitted by the Union of Soviet Socialist Republics (A/AC.193/L.3). Such a treaty should indicate the various manifestations of the use in international relations of not only military force but also physical force in general, as well as psychological, economic and other types of pressure. It should also include the exceptions to the general prohibition of the use of force, taking as a basis Chapters VII, VIII and XVII and Articles 53 and 107 of the Charter, as well as the Charter provisions concerning the legitimate right of peoples to freedom and independence. In addition to the peaceful means of settling disputes referred to in article II of the draft Treaty, mention should be made of such other procedures as investigation and recourse to regional organizations or agreements.

4. His delegation was prepared to support a draft treaty provided that it did not weaken or conflict with the provisions of the Charter and provided that it represented a genuine step forward in clarifying issues not envisaged by the Charter. It would serve no useful purpose to draft a text which merely reiterated the contents of the Charter.

5. Mr. SZELEI (Hungary) reaffirmed his delegation's support for the draft Treaty submitted by the Soviet Union (A/AC.193/L.3). The world community had recently witnessed violations of the principle of the non-use of force enunciated in Article 2, paragraph 4, of the Charter, and a relevant treaty drafted in conformity with the Charter would help to strengthen international peace and security, lessen the danger of new armed conflicts and curb the steadily intensifying arms race. In

(Mr. Szelei, Hungary)

that connexion, his delegation welcomed the reference in article I, paragraph 1, of the draft Treaty to nuclear or other types of weapons of mass destruction.

6. Thus, through the conclusion and strict observance of an international treaty on the non-use of force, nations could effectively contribute to the process of détente, disarmament and international co-operation. The international climate had already been greatly improved by the adoption of a number of international instruments which had contributed positively to the codification and progressive development of international law. The conclusion of a world treaty would help to maintain that trend, improving even further the climate of international relations, increasing confidence among States and enhancing the role of the United Nations.

7. His delegation rejected the argument that a treaty on the non-use of force in international relations would overlap with or weaken the relevant provisions of the Charter. On the contrary, such a treaty was clearly designed to enhance the effectiveness of the Charter; appropriate action by the Special Committee in accordance with the mandate given to it by resolution 32/150 would reflect a political will to accomplish that objective. His delegation was prepared to play a constructive role in that process.

8. A treaty on the non-use of force should in no way affect the right of individual or collective self-defence of sovereign States or the inalienable rights of peoples under colonial and racist régimes in their struggle for freedom and self-determination. His delegation vigorously supported the substance of the draft Treaty, which represented a sound basis for future deliberations of the Special Committee on the issue.

9. The CHAIRMAN said that the following States not members of the Special Committee had requested an opportunity to participate in its work: Czechoslovakia, the German Democratic Republic, Nicaragua, Panama and Peru. If he heard no objection, he would take it that the Special Committee agreed that representatives of Member States indicating a desire to contribute to the work of the Committee might, with its consent, address the Committee and expand on the written replies of their Governments.

10. It was so decided.

The meeting rose at 11.30 a.m.